

01-25-01

A

Docket # PF-0261-2 DIV

"Express Mail" mailing label number EL 743 379 718US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on 1/23/01

By: [Signature]

Printed: Ted Martinez

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application Serial No. 09/206,499, filed on December 7, 1998, entitled NOVEL CALCIUM BINDING PROTEIN, which is a divisional application of U.S. application Serial No. 08/828,212, filed March 31, 1997, now U.S. Patent No. 5,871,971, issued February 16, 1999, entitled CALCIUM-BINDING PROTEIN.

1. ☒ Enclosed is a specification corresponding to the prior application, U.S. Application Serial No. 08/828,212, filed March 31, 1997, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2. ☒ With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with Serial No. 08/828,212, filed March 31, 1997, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. 08/828,212 as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant divisional application.
3. ☐ Cancel in this application original claims ____ before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.

01/23/01
1c960 U.S. PTO

Docket # PF-0261-2 DIV

4. ☒ The inventors of the invention being claimed in this application are: Jennifer L. Hillman and Surya K. Goli.
5. ☒ In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing applicant's/applicants' signature(s) as filed on July 25, 1997 is enclosed.
6. ☐ Amend the specification by inserting after the title: "This application is a divisional application of U.S. application serial number 09/206,499, filed December 7, 1998, all of which applications and patents are hereby incorporated herein by reference."
7. ☒ The filing fee is calculated below:

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity Rate	Basic Fee
					\$710.00
Total Claims	20	-20	0	x \$18	\$ 0
Indep. Claims	2	-3	0	x \$80	\$ 0
Multiple Dependent Claim(s), if any					+ \$270
					\$ 0

TOTAL FILING FEE \$ 710.00

8. ☐ An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.
9. ☒ Please charge Deposit Account No. 09-0108 in the amount of \$710.00.
- The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 09-0108.

A **duplicate** copy of this Request is enclosed.

10. ☒ New formal drawings are enclosed.
11. ☒ The prior application is assigned of record to Incyte Pharmaceuticals, Inc., recorded on 07/28/1997, at reel 8634/frame 0375.
12. ☐ A preliminary amendment is enclosed.
13. ☒ Also enclosed Return Postcard, Information Disclosure Statement, List of Cited References (1449), Submission of Formal Drawings, and Revocation and Appointment of New Attorneys.
14. ☒ The power of attorney of the prior application is to:

Narinder S. Banait

Reg. No. 43,482

Adam Warwick Bell
Lucy J. Billings
Michael C. Cerrone
Diana Hamlet-Cox
Colette C. Muenzen
Lynn E. Murry
Danielle M. Pasqualone
Susan K. Sather
David G. Streeter

Reg. No. 43,490
Reg. No. 36,749
Reg. No. 39,132
Reg. No. 33,302
Reg. No. 39,784
Reg. No. 42,918
Reg. No. 43,847
Reg. No. 44,316
Reg. No. 43,168

- a. ☒ A Certificate Under 37 C.F.R. §3.73(b), Revocation of Power of Attorney and Appointment of New Attorneys is attached.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Address all future correspondence to:

INCYTE GENOMICS, INC.
PATENT DEPARTMENT
3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555, Fax: (650) 845-4166

Date: 23 January 2001

By:

Richard C. Ekstrom
Richard C. Ekstrom
Reg. No. 37,027
Direct Dial Telephone: (650) 843-7352

Date: January 23, 2001

By:

Terence P. Lo
Terence P. Lo, Ph.D.
Limited Recognition (37 C.F.R. § 10.9(b)) attached
Direct Dial Telephone: (650) 621-8581

- ☐ Inventor(s)
☐ Assignee of complete interest
☒ Attorney or agent of record
☐ Filed under 37 CFR 1.34(a)
☐ Registration number if acting under 37 CFR 1.34(a) _____